

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

PHILLIP BRUCE WOMACK

Claimant,

v.

SOCIAL SECURITY APPEALS,

Respondent.

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CASE NO. 5:10-CV-439- MTT-MSH

**REPORT AND RECOMMENDATION**

Plaintiff filed his Complaint against Defendant “social security appeals” on November 15, 2010. At that time, Plaintiff moved to proceed in this action *in forma pauperis* (IFP). (ECF No. 2.) Because Plaintiff failed to show that he is indigent, the Court denied his request to proceed IFP on November 19, 2010. (Order 1, Nov. 19, 2010, ECF No. 4.) In the Order denying Plaintiff’s request to proceed, the Court also ordered Plaintiff to file an amended Complaint stating “in a clear and concise manner the nature of his claims, the parties those claims are asserted against, and the relief he is seeking from the Court.” (Order 2, Nov. 19, 2010.) Plaintiff was given fourteen days within which to pay the filing fee and amend his Complaint.

Although Plaintiff paid the filing fee on November 19, 2010, Plaintiff failed to file an amended complaint. On December 8, 2010, Plaintiff was mailed packet explaining service and the requirements of Federal Rules of Civil Procedure Rule 4. However, it is clear from the docket that no service has been made or attempted in this case.

Consequently, the Court recommends dismissal of this case for failure to comply with the Court's November 19 Order requiring the filing of an amended complaint and for failure to prosecute pursuant to Federal Rules of Civil Procedure Rule 41(b).

WHEREFORE, IT IS HEREBY RECOMMENDED that Plaintiff's Complaint be dismissed. Under 28 U.S.C. § 636(b)(1), Plaintiff may file objections to this Recommendation in writing with the UNITED STATES DISTRICT JUDGE within FOURTEEN (14) DAYS after being served with a copy hereof.

**SO RECOMMENDED**, this 26th day of April, 2011.

S/ Stephen Hyles  
UNITED STATES MAGISTRATE JUDGE